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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Anthony W. Sotin Plaintiff, v. Officer Ty Snider (Spokane Police) Anne Kirkpatrick (Chief of Police) Steven J. Tucker (Spokane County Prosecutor), Defendants.	)	CASE NO. CV-07-325-RHW **CIVIL COMPLAINT**

I. The District Court has jurisdiction in this case.

II. The District Court has venue because the Defendants are residents of Spokane County in the State of Washington.

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SPOKANE, WA

III. Statement of Claim:

On or about 10/09/06 Officer Snider of the Spokane Police Department made an investigatory stop to Plaintiff, due to prejudice and without probable cause, and knowingly and maliciously made false statements concerning Plaintiff's alleged acts committed on the date stated above and falsely arrested and imprisoned Plaintiff for the crime of "Attempt to Allude a Police Vehicle," "Reckless Driving," and "Possession of Marijuana" (Case No. F63334), a felony and gross misdemeanors, in the State of Washington. During the arrest Officer Snider used excessive force when Plaintiff was fully cooperating which caused severe physical and emotional injury to Plaintiff. Following the arrest Officer Snider made false statements to the Spokane County Superior Court in his affidavit of probable cause to make the false accusations more aggravating to the court to cause Plaintiff further harm. Defendant Snider used his position under color of law to cause harm to Plaintiff Sotin. Plaintiff reported these crimes committed by Officer Snider to Spokane Chief of Police, Defendant Ann Kirkpatrick and Spokane County Prosecutor Defendant Steve Tucker and requested further investigation. The Spokane Police Department and Spokane County Prosecutor's Office use polygraph examinations and other tools to eliminate suspects in criminal investigations when innocence is claimed. Plaintiff Sotin made requests to both Defendant Kirkpatrick and Tucker for polygraph and further investigation. Both Defendants denied requests and failed to investigate complaint in a non prejudicial manner, maliciously prosecuting Plaintiff denying him equal protection of the law.

FIRST CLAIM FOR RELIEF

(CIVIL RIGHTS VIOLATION UNDER 42 USC, SECTION 1983)

1. That the Plaintiff was charged with Attempt to Allude a Police Vehicle, Reckless Driving, and Possession of Marijuana without probable cause, in violation of the Plaintiff's rights under the United States Constitution. The Defendants had actual or constructive notice of the pervasive constitutional violations perpetrated by the Defendant's upon the Plaintiff.
2. That the Defendant's actions constitute a willful and knowing violation and depravation of a right secured by the Constitution of the United States in violation of 42 USC, Section 1983, specifically, the right to be free from excessive and unreasonable police action; the deprivation of liberty without due process of law; the right to be secure against unreasonable searches and seizures; and, the right to equal protection of the laws.
3. That the acts of the Defendants in violation of the United States Constitutional rights of the Plaintiff's justify an award of reasonable fees under 42 USC, Section 1988; and, the Plaintiff is entitled to recover against the Defendants for injuries, damages and losses proximately caused by their conduct as set forth in this Complaint.

SECOND CLAIM FOR RELIEF

(FALSE ARREST/FALSE IMPRISONMENT)

1. That the Plaintiff was aware that his freedom of movement was restricted and suffered great humiliation, injury to body, emotional injuries, and damages as a result of being falsely arrested and imprisoned for the crimes of Attempt to Allude a Police Vehicle, Reckless Driving, and Possession of Marijuana.

2. That the Defendants have caused damages to the Plaintiff by Defendants false arrest and imprisonment of the Plaintiff, and Plaintiff is entitled to recover damages and losses proximately caused by their false arrest and imprisonment set forth in this Complaint.

THIRD CLAIM FOR RELIEF

(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

1. That the Defendants, by their own actions as set forth above, was negligent.
2. That the Defendants' negligence created an unreasonable risk of physical harm to the Plaintiff and caused the Plaintiff to be put in fear of his own safety, which was shown by the emotional disturbance of the Plaintiff.
3. That the Defendants have directly and proximately caused, by way of their negligent infliction of emotional distress upon the Plaintiff, the injuries, damages and losses set forth herein; and, the Plaintiff is entitled to recover against the Defendants for damages caused by their conduct as set forth in this Complaint.

FOURTH CLAIM FOR RELIEF

(NEGLIGENCE)

1. That the above-referenced acts and omissions of the Defendant's were negligent.
2. That the negligent acts and omissions were a direct and proximate cause of the injuries, damages and losses to the Plaintiff; and, the Plaintiff is entitled to recover against the Defendant's for damages caused by their negligence as set forth in this Complaint.

FIFTH CLAIM FOR RELIEF

(OUTRAGEOUS CONDUCT)

1. That the Defendants actions as set forth herein, were outrageous, intolerable and so extreme as to exceed all bounds of decency which prevail in civilized communities and societies.
2. That the Defendants, by their own actions as set forth herein, intended to inflict irreparable physical and mental damages to the Plaintiff.
3. That as a direct and proximate result of the Defendants outrageous conduct, as set forth herein, the Plaintiff suffered loss to physical and mental faculties.
4. That the Defendants have caused injuries, damages and losses to the Plaintiff by his outrageous conduct; and, the Plaintiff is entitled to recover against the Defendant for the injuries, damages and losses set forth herein.

SIXTH CLAIM FOR RELIEF

(MALICIOUS PROSECUTION)

1. That the citations issued to the Plaintiff was a direct result of the negligent actions of the Defendants.
2. That the citations were issued without probable cause.
3. That the citations were motivated by malice, discrimination or other improper purposes against the Plaintiff.
4. That the Defendants have caused injuries, damages and losses to the Plaintiff by their malicious prosecution of the Plaintiff; and, the Plaintiff is entitled to recover against the Defendants for all such damages caused by his conduct as set forth herein.

SEVENTH CLAIM FOR RELIEF

(EXEMPLARY DAMAGES)

1. That the aforementioned acts, omissions and violations of the Defendants were attended by wanton and willful disregard for the

rights and feelings of the Plaintiff, thus entitling the Plaintiff to the recovery exemplary damages.

WHEREFORE, The Plaintiff respectfully requests that this Court

(a) Enter an Order of Judgment in Plaintiff's favor against the Defendants for compensatory damages in the amount of $250,000.00 to fully compensate the Plaintiff for his injuries, damages and losses;

(b) Enter an Order of Judgment in favor of the Plaintiff and against the defendant for exemplary damages in the amount of $250,000.00 to adequately punish the defendant for his actions and omissions;

(c) Enter and Order of Judgment in Plaintiff's favor and against the Defendant for attorney's fees as a result of their violation on the Plaintiff's civil rights under 42 USC, Sections 1983 and 1988, including costs of this lawsuit, expert witness fees, witness fees, deposition costs and such other and further relief as the Court may deem just and proper.

(d) Such other and further relief as this Court may deem just and proper.

THE PLAINTIFF DEMANDS A JURY TRIAL

Presented By:

Anthony Soter

Signature of Plaintiff

Date: 10/12/07.